

1 THE HONORABLE JOHN C. COUGHENOUR
2
3
4
5
6

7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 FAUSTO PAZ,

14 Defendant.

CASE NO. CR20-0217-JCC-6

ORDER

15 This matter comes before the Court on the parties' stipulated motion to amend the
16 judgment (Dkt. No. 332). For the reasons described below, the motion is GRANTED.

17 On December 2, 2021, Defendant pled guilty to Conspiracy to Distribute Controlled
18 Substances, a lesser-included offense of Count 1 of the Superseding Indictment. (Dkt. No. 279.)
19 Pursuant to the plea agreement between the parties, the Government agreed to move for dismissal
20 of the remaining counts upon sentencing. (*See* Dkt. No. 281 at 9.) On March 8, 2022, the Court
21 sentenced the defendant based on his guilty plea to Count 1, consistent with this agreement. (*See*
22 Dkt. No. 325, 326.) But the judgment as entered failed reflect the requested dismissal of the
23 remaining counts, although that "was the intent of all parties." (Dkt. No. 332 at 1.)

24 At any time, the Court may "correct a clerical error in a judgment, order, or other part of
25 the record . . . arising from oversight or omission." Fed. R. Crim. P. 36. The Court finds that the
26

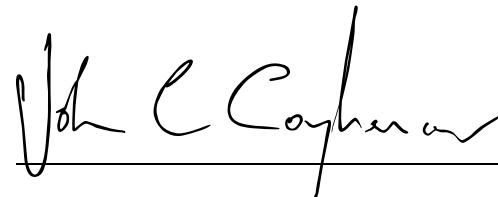
1 omission of a dismissal of the remaining counts against Defendant was a clerical error requiring
2 amendment to "conform the sentence to the term which the record indicates was intended."

3 *United States v. Kyle*, 734 F.3d 956, 962 (9th Cir. 2013)

4 Accordingly, the Court GRANTS the parties' motion (Dkt. No. 332) and DIRECTS the
5 Clerk of the Court to enter the amended judgment reflecting dismissal of Count 2 against
6 Defendant, as proposed by the parties. (See Dkt. No. 332-2).

7 DATED this 13th day of April 2022.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26



John C. Coughenour
UNITED STATES DISTRICT JUDGE